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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
COMPUTER ASSOCIATES INTERNATIONAL, INC.,

Plaintiff,

-against-

SIMPLE.COM, INC.,

Defendant.  
-----X

Plaintiff Computer Associates International, Inc. ("Plaintiff" or "Computer Associates"), for its complaint against Defendant Simple.Com, Inc. ("Defendant" or "Simple"), states as follows:

CV-02 2748

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 06 2002 ★

LONG ISLAND OFFICE

(S.I.)

SPATT, J.

ORENSTEIN, M.

Docket No. 02 CV \_\_\_\_\_

COMPLAINT

### **NATURE OF ACTION**

1. This is an action pursuant to 28 U.S.C. §§ 2201 and 2202 for declaratory relief that U.S. Patent No. 6,272,493 is not valid, is unenforceable, and is not infringed by Plaintiff within the meaning of 35 U.S.C. § 271.

### **THE PARTIES**

2. Plaintiff Computer Associates is a Delaware corporation with its principal place of business at One Computer Associates Plaza, Islandia, New York 11749.

3. Upon information and belief, Defendant Simple is a Delaware corporation having principal places of business at 1323 Paseo De Peralta, Santa Fe, New Mexico 90873 and 67 Mowat Avenue, Suite 540, Toronto, Ontario Canada M6K3E3. Simple conducts business in this district through its website through which, Simple contends, it offers its services in interstate and international commerce by serving an extensive online user community to which it presents advertisements and facilitates email services.

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over issues of patent invalidity and non-infringement pursuant to 28 U.S.C. § 1338(a) (actions arising under an Act of Congress relating to patents).

5. Venue is proper in this district under 28 U.S.C. § 1391(b)(2).

### **STATEMENT OF CLAIM**

6. Plaintiff is a software company in the business of developing, marketing and supporting the software that manages electronic business. Included in the product line of Computer Associates is a product known as CleverPath Portal by which a customer of Computer Associates can access critical business information through a web browser, cell-phone or wireless personal data appliance.

7. Defendant claims to be the owner of U.S. Patent No. 6,272,493 (the "493 Patent") issued on August 7, 2001 to Sandro Pasquali and entitled "System and Method For Facilitating a Windows Based Content Manifestation Environment Within a WWW Browser." A copy of the 493 Patent is attached as Exhibit A.

8. Defendant contends that Plaintiff's CleverPath Portal product infringes the 493 Patent.

9. Plaintiff's CleverPath Portal product does not infringe the 493 Patent within the meaning of 35 U.S.C. § 271(a), (b) or (c).

10. The 493 Patent claims a server system, software, and a web browser to display multiple window objects in which each window object may be moved, repositioned, minimized or maximized without requiring the web browser to refresh the web browser content display window, all as more fully set forth in the claims of the 493 Patent.

11. The system disclosed and claimed in the 493 Patent was part of the prior art under 35 U.S.C. §§ 102 and 103, and hence the 493 Patent is invalid.

12. On information and belief, applicant for the 493 Patent materially misrepresented to the United States Patent Office the state of the prior art relevant to the application for the 493 Patent. For this reason, the 493 Patent is unenforceable.

13. Notwithstanding the invalidity and unenforceability of the 493 Patent, and of the absence of infringement by Plaintiff of such patent, Plaintiff has a reasonable apprehension of the filing of patent infringement litigation by Defendant against Plaintiff based upon the 493 Patent. Such apprehension is based on the fact that Defendant, by an April 25, 2002 letter addressed to and received by Plaintiff in this District, has advised Plaintiff that Defendant would sue Plaintiff for infringement of the 493 Patent (and provided a draft Complaint for Plaintiff's

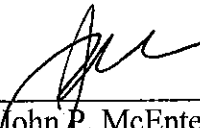
consideration) if Plaintiff did not enter into a license with Defendant under the 493 Patent by May 10, 2002.

14. There are substantial and continuing justiciable controversies between Plaintiff and Defendant regarding the invalidity, unenforceability, and the non-infringement by Plaintiff of the 493 Patent.

**PRAYER FOR RELIEF**

Plaintiff Computer Associates prays for a declaratory judgment that the 493 Patent is invalid and unenforceable and that Defendant's CleverPath Portal product does not infringe such patent within the meaning of 35 U.S.C. § 271(a), (b) or (c).

Dated: Uniondale, New York  
May 6, 2002



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SEE COURT FILES FOR  
EXHIBIT(S)